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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,303	03/22/2004	Paul Hepworth	3271.2.26	1818

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EXAMINER	
SEYE, ABDOU K	
ART UNIT	**PAPER NUMBER**
2194	

NOTIFICATION DATE	DELIVERY MODE
12/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@austin-rapp.com

Office Action Summary	Application No.	Applicant(s)	
	10/806,303	HEPWORTH ET AL.	
	Examiner	Art Unit	
	Abdou Karim Seye	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004 and 09/28/2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 are pending in this application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 28, 2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 7-13, 15-21, 24-28 and 30-32, are rejected under 35 U.S.C. 103 (a) as unpatentable over Catan (US 20020143643) in view of Schmidt et al (US 20040016812).

4. As to claims 1, Catan teaches the invention substantially as claimed including an object identifier reader (FIG. 1; paragraph 59; “reader 100”; paragraph 62; “portable

reader"), comprising:

a communication port for communicating with a host computing device (110, FIG. 1; paragraph 59-60; wherein the "communication link 112" couple with the "LAN network/internet 130" include a port communication; 140, FIG. 1; paragraph 59 and 62; wherein the "network server 140" is the host computing device)

a storage medium (paragraph 91 "database in the reader"); FIG. 7; paragraph 94; wherein the "storage unit" associated with the reader is the storage medium);

a processor (paragraph 164 ; " a processor" ; paragraph 61; "microprocessor" ; wherein the these claimed element are associated with the reader);

a memory in electronic communication with the processor (paragraph 62; "memory M" of the reader 100; paragraph 164); and

instructions stored in the memory (paragraph 163; wherein the "UI of the reader" is the instruction) , the instructions being executable for:

reading an object identifier to obtain data (Paragraph 90; "reader receives data " from the "MRL device T" wherein the MRL device T includes ID information of an product/object ; FIG. 6A and 7; paragraph 65 ; "reading of the MRL device to acquire data");

automatically determining whether to send the data to the host computing device or to store the data in the storage medium (paragraph 62; wherein the "transmit data to the network server"; paragraph 164 "storing data").

5. Catan does not explicitly teach automatically attempting to send stored data in the storage medium to the host computing device in response to determining that the object identifier reader is connected to the host computing device.

6. Schmidt teaches determining that the object identifier reader is connected to the host computing device and transmitting /sending store data (paragraph 620). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Catan's invention with Schmidt 's to automatically attempting to send stored data in the storage medium to the host computing device in response to determining that the object identifier reader is connected to the host computing device. One would have been motivated to automatically attempting to send stored data in the storage medium to the host computing device in response to determining that the object identifier reader is connected to the host computing device, because it would improve the efficiency of the Catan's system by providing an efficient scanning system and storage in the data storage unit.

7. As to claim 18, it is rejected for the same reasons as claim 1 above.

8. As to claims 2 and 19, Catan teaches, wherein the data are stored in the storage medium and at least one attempt is made to send the data to the host computing device (paragraph 62; paragraph 164; wherein the claimed element of Catan's reference" make a suitable decision about where to store data" meets the claimed limitation of the claim).

9. As to claims 3 and 20 Catan does not explicitly teach , wherein at least one attempt is made to send the data to the host computing device if the storage medium is empty, and wherein the data are stored in the storage medium if the at least one attempt fails or if the storage medium is not empty. Schmidt teaches clearing /emptying stored data, and attempt fails (paragraph 622-623). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Catan's invention with Schmidt 's to have wherein at least one attempt is made to send the data to the host computing device if the storage medium is empty, and wherein the data are stored in the storage medium if the at least one attempt fails or if the storage medium is not empty .One would have been motivated to have wherein at least one attempt is made to send the data to the host computing device if the storage medium is empty, and wherein the data are stored in the storage medium if the at least one attempt fails, because it would improve the efficiency of the Catan's system by providing an efficient scanning system and storage in the data storage unit.

10. As to claims 4 and 21, Schmidt teaches , attempt fails (paragraph 622-623), It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Catan's invention with Schmidt 's to have wherein at least one attempt is made to send the data to the host computing device, and wherein the data are stored in the storage medium if the at least one attempt fails.One would have been motivated to have wherein the data are stored in the storage medium if the at least one

attempt fails, because it would improve the efficiency of the Catan's system by providing an efficient scanning system and storage in the data storage unit.

11. As to claims 7 and 24, Schmidt teaches clearing the stored data from the storage medium (paragraph 622) . One would have been motivated to modify the teaching of Catan with the teaching of Schmidt to have wherein the instructions are also executable for clearing the stored data from the storage medium when the stored data are sent to the computing device, because it would improve the efficiency of the Catan's system by providing an efficient scanning system and storage in the data storage unit.

12. As to claims 8 and 25, Schmidt teaches, attempting to connect to the host computing device if the object identifier reader is not connected to the host computing device (paragraph 620). One would have been motivated to modify the teaching of Catan with the teaching of Schmidt to have wherein the instructions are also executable for attempting to connect to the host computing device if the object identifier reader is not connected to the host computing device, because it would improve the efficiency of the Catan's system by providing an efficient scanning system and storage in the data storage unit.

13. As to claim 9, Catan teaches non-volatile storage (paragraph 164; “non volatile storage”).

14. As to claim 10, Catan teaches volatile storage (paragraph 11; “data stored on a barcode”).

15. As to claims 11 and 26, Catan teaches, an additional storage medium for storing a copy of the data as a log (611,FIG. 8; wherein the “preferences storage” is the additional storage).

16. As to claims 12 and 27,Catan teaches saving metadata in the storage medium to differentiate buffered data from log data (paragraph 93; wherein the claimed element “metatags in resources” of Caton’s reference meets the claimed limitation of the claim)

17. As to claims 13 and 28., Schmidt teaches disconnection from the host (paragraph 623) . One would have been motivated to modify the teaching of Catan with the teaching of Schmidt to have wherein the instructions are also executable for disconnecting from the host computing device if the object identifier reader is connected to the computing device and the object identifier reader does not have any data to send to the host computing device, because it would improve the efficiency of the Catan’s

system by providing an efficient scanning system and storage in the data storage unit.

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18. As to claim 15, it is rejected for the same reasons as claims 1 and 8 above.

19. As to claims 16 and 17, they are rejected for the same reasons as claims 1, 3-4 and 8 above.

20. As to claim 30, it is rejected for the same reasons as claim 1 above.

21. As to claim 31-32, they are rejected for the same reasons as claim 1-4 above.

22. Claims 5-6, 14, 22-23 and 29 are rejected under 35 U.S.C. 103 (a) as unpatentable over Catan (US 20020143643) in view of Schmidt et al (US 20040016812) as applied to claims 4, 18 and 21, and further in view of Zhu et al (US 20050103854).

23. As to claims 5-6 and 22-23, Catan and Schimidt failed to teach, wherein reading the object identifier is performed by a main task, and wherein automatically determining whether to send the data to the host computing device or to store the data in the storage medium and automatically sending the stored data in the storage medium to the host computing device are performed by a data task that executes in parallel to the main task and, wherein the data comprise an image, wherein reading the object

identifier is performed by a main task, wherein automatically determining whether to send the data to the host computing device or to store the data in the storage medium and automatically sending the stored data in the storage medium to the host computing device are performed by a data task, and wherein the main task and the data task execute sequentially. Zhu teaches a mechanism wherein a main task and a data task execute sequentially (paragraph 348) and in parallel (paragraph 319 and 328). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Catan, Schimidt and Zhu , because the parallel and sequential execution of the main task and data task from Zhu will improve the efficiency of Catan and Schimidt's system by providing efficient use of the barcode reading systems in a live video operation.

24. As to claims 14 and 29, Zhu teaches a power management/power saving, One would have been motivated to combine the teaching of Catan, Schmidt and Zhu to entering a power- saving mode if the storage medium is empty or if the object identifier reader cannot connect to the host computing device after a period of time, because it would improve the efficiency of Catan and Schimidt's system by providing efficient use of the barcode reading systems in a live video operation.

Response to Arguments

25. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sough Hyung can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/
Supervisory Patent Examiner, Art Unit 2194
12/21/09

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